IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1052 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DILIPBHAI BANKA THRO' HIS WIFE MANJULABEN D BANKA

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 1052 of 2003

PARTY-IN-PERSON for Petitioner No. 1

MR MUKESH PATEL, APP for Respondent No. 1

..... for Respondent No. 2-4

CORAM : HON'BLE MR.JUSTICE A.L.DAVE

Date of decision: 28/11/2003

ORAL JUDGEMENT

Learned APP Mr.Patel states that a decision is taken by the Government of not releasing a prisoner as per the proposal in exercise of the powers under Section 433-A of the Criminal Procedure Code and it has been communicated to the Jail Authority for onward communication to the prisoner. He places on record a xerox copy of the communication in question.

In light of the above fact situation, this application would not survive. In fact, the decision appears to have been taken prior to filing of this application. The application, therefore, must fails and is rejected. Rule discharged.

(A.L.Dave,J)
(pathan)